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The Rhodes Companies, LLC, et al.*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:

THE RHODES COMPANIES, LLC,  
Aka "Rhodes Homes", et al.,

Reorganized Debtors.<sup>1</sup>

Affects:

- ☒ All Debtors  
☐ The following Debtor(s)

Case No. BK-09-14814-LBR  
(Jointly Administered)

Chapter 11

**DECLARATION OF JACOB J. ROBERTS  
IN SUPPORT OF LITIGATION TRUST'S  
RESPONSE TO MOTION TO STAY THE  
ORDER DENYING MOTION TO QUASH  
RULE 2004 EXAMINATION AND  
CORRESPONDING SUBPOENAS**

Hearing Date: January 6, 2012  
Hearing Time: 9:30 a.m.

I, Jacob J. Roberts, counsel for the Litigation Trust of The Rhodes Companies, LLC, et al. (the "Litigation Trust"), under penalty of perjury, hereby declare on this 30th day of November 2011 that:

<sup>1</sup> The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (90206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Ralty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Clubb, LLC (7132); Pinnacle Grading, LLC (4838).

1           1.       I am an associate in the law firm of Diamond McCarthy LLP. I am an attorney  
2 licensed to practice in the State of Texas, before the federal district court in the Southern District  
3 of Texas, and before the Ninth Circuit Court of Appeals. I have also been admitted to practice,  
4 on a *pro hac vice* basis, before this Court and the United States District Court for the District of  
5 Nevada.

6           2.       I am one of the attorneys serving as special litigation counsel to the Litigation  
7 Trust.

8           3.       As special litigation counsel to the Litigation Trust, I have personal knowledge of  
9 the facts stated herein, except where I state my knowledge on information and belief, and if  
10 called to do so, could and would testify competently hereto.

11          4.       I provide this declaration in support of the Litigation Trust's Response to the  
12 Motion to Stay the Order Denying Motion to Quash Rule 2004 Examination and Corresponding  
13 Subpoenas (the "Response").

14          5.       A true and correct excerpt from the September 27, 2011 hearing transcript (p. 63)  
15 is attached as Exhibit A.

16          6.       A true and correct copy of the October 5, 2011 hearing transcript is attached as  
17 Exhibit B.

18          7.       Kevin Anderson and David Hague of Fabian Clendenin did not contact me before  
19 filing the Motion to Quash (DE 1538) on September 14, 2011. I was first contacted by them on  
20 September 15, 2011. The purpose of our September 15, 2011 telephone conversation was to  
21 inquire whether the Litigation Trust would stipulate to the Motion to Quash being heard on an  
22 expedited basis. The substance of the Motion to Quash was not discussed during the September  
23 15, 2011 telephone conversation.

24               I executed this declaration on November 30, 2011, in Houston, Texas.

25  
26                               /s/ Jacob J. Roberts  
                              Jacob J. Roberts

**CERTIFICATE OF SERVICE**

I hereby certify that I am employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 30th day of November 2011, a true and correct copy of the foregoing **MOTION TO STAY THE ORDER DENYING MOTION TO QUASH RULE 2004 EXAMINATION AND CORRESPONDING SUBPOENAS** was filed with the Court and served by the Court's CM/ECF system to:

KEVIN N. ANDERSON on behalf of Creditor JAMES RHODES  
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21 /s/ Catherine A. Burrow  
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24  
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26